

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

OMAR J. MILLER

PRISONER  
CASE NO. 3:10cv616 (RNC)

v.

UConn, ET AL.

**RULING AND ORDER**

The plaintiff seeks an extension of time to file an amended complaint. The plaintiff asserts that he is waiting for a response to his inmate request seeking the name of the podiatrist who treated him in April 2009. The motion for extension of time to file an amended complaint is granted.

The plaintiff has also filed a motion for leave to file an amended complaint. He seeks to clarify the allegations in count four of the complaint and to add the name of the podiatrist who treated him in April 2009. Rule 15(a), Fed. R. Civ. P. provides that plaintiff may amend his complaint once as of right before a responsive pleading is filed. Because the defendants have not filed an answer to the complaint, the motion to amend the complaint is granted.

The plaintiff did not submit an amended complaint with his motion to amend. Thus, he is directed to file an amended complaint including all claims and requests for relief he seeks to have the court consider and all defendants against whom he

seeks relief. See *International Controls Corp. v. Vesco*, 556 F.2d 665, 668 (2d Cir. 1977), (because amended complaint supersedes original complaint and renders former complaint of no legal effect, amended complaint must contain all claims against defendants and relief requested), *cert. denied*, 434 U.S. 1014 (1978).

### **Conclusion**

The Motion for Extension of Time [**doc. # 7**] and Motion for Leave to File an Amended Complaint [**doc. # 11**] are **GRANTED**. **The plaintiff shall filed his amended complaint on or before May 5, 2011.** The Clerk shall send the plaintiff an Amended Complaint form with a copy of this ruling.

**SO ORDERED** at Bridgeport, Connecticut this 6th day of April, 2011.

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/s/  
HOLLY B. FITZSIMMONS  
UNITED STATES MAGISTRATE JUDGE